

20SL-CC01963

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IN THE CIRCUIT COURT OF ST LOUIS COUNTY
STATE OF MISSOURI

SEAN D. KEUSENKOTHEN,

Plaintiff,

v.

AUSTEN BAKER,

SERVE: 425 S. Pennsylvania Ave

Belleville, IL 62220

Defendant.

Cause No.

Division No.

PETITION FOR DAMAGES

COMES NOW Plaintiff, Sean Keusenkothen, by and through the undersigned attorneys,
and for the cause of action against Defendant, Austen Baker, states as follows to the Court:

COUNT I - NEGLIGENCE

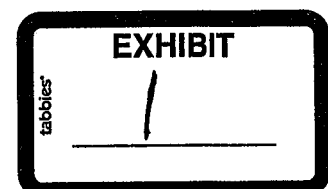
1. At all times herein mentioned, Plaintiff SEAN D. KEUSENKOTHEN was a
lawful resident of St. Louis, Missouri.

2. At all times herein mentioned, Defendant AUSTEN BAKER, was a lawful
resident of Belleville, Illinois.

3. On or about May 18, 2018, Plaintiff was the lawful operator of a motor vehicle.

4. On or about, May 18, 2018, Defendant was the owner and operator of a motor
vehicle.

5. On or about May 18, 2018 Plaintiff and Defendant were involved in a motor
vehicle crash when their two vehicles collided at the intersection of Oakville High School and
Milburn Road in the county of St. Louis, state of Missouri.



6. That the Defendant owed Plaintiff a duty to operate the vehicle with the highest degree of care yet failed to do so and was therefore negligent, reckless and careless in the following respects:

- a) Defendant knew or by the use of the highest degree of care could have known that there was a reasonable likelihood of collision in time thereafter to have stopped, swerved, slackened speed, or sounded a warning;
- b) Defendant failed to keep a careful lookout;
- c) Defendant failed to signal an intention to turn;
- d) Defendant failed to yield the right-of-way;
- e) Defendant's automobile ran over the Plaintiff;
- f) Defendant stopped defendant's automobile in a lane reserved for moving traffic;
- g) Defendant drove while impaired and/or intoxicated to the extent that defendant's driving ability was impaired;
- h) Defendant was operating the vehicle while using a cellular device;

7. As a direct and proximate result of the aforesaid occurrence, Plaintiff was caused to sustain serious and permanent bodily injuries to wit: right leg pain and road rash, all of which have caused extreme pain and suffering and will continue to cause experience pain and suffering in the future.

8. As a direct and proximate result of the aforesaid injuries, Plaintiff has been caused to incur medical care and treatment expense, and will be required to incur further expense for additional care and treatment in the future.

9. As a direct and proximate result of the aforesaid injuries, Plaintiff is at an increased risk of requiring additional future medical care, which has caused additional mental suffering and worry.

WHEREFORE, Plaintiff prays judgment against Defendant in an amount in excess of TWENTY FIVE THOUSAND DOLLARS (\$25,000.00), pre-judgment interest, for costs herein incurred, and for such other and further relief as the Court deems just and proper under the circumstances.

COUNT II – NEGLIGENCE PER SE

10. Plaintiff reincorporates and re-alleges paragraphs 1 through 9 above as if fully set forth herein.

11. The above collision was directly and proximately caused by Defendant's violations of MO. REV. STAT. §§300.200, 300.275 and 304.341 et seq., and each of them of Missouri's statutory rules of the road.

12. As a direct and proximate result of Defendant's violations of the aforementioned statutes Plaintiff sustained the serious, permanent, progressive and disabling bodily injuries and damages as set forth above.

13. That Plaintiff was within the class of persons the aforementioned statutes were designed to protect.

14. The injuries Plaintiff sustained were of the type the aforementioned statutes were designed to prevent.

WHEREFORE, Plaintiff prays judgment against Defendant in an amount in excess of TWENTY FIVE THOUSAND DOLLARS (\$25,000.00), pre-judgment interest, for costs herein

incurred, and for such other and further relief as the Court deems just and proper under the circumstances.

COUNT III- RES IPSA LOQUITUR

15. Plaintiff re-alleges and reincorporates paragraphs 1-14 as if fully set forth herein.

16. That at all relevant times herein, Defendant had the exclusive control, the right to control and/or management of the instrumentalities involved in this incident.

17. That the events which gave rise to this incident is the type that does not ordinarily happen when those in charge use the highest degree of care, as required by Missouri law.

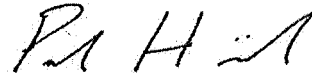
18. The reasonable inferences from the circumstances surrounding this crash lead one to conclude the crash was caused by negligence.

19. Defendant possesses superior knowledge and/or means of information as to the cause of this crash.

20. As a direct result of Defendant's negligence, Plaintiff was damaged.

WHEREFORE, Plaintiff prays for the Court to enter judgment for him in such amount that is fair and reasonable, in excess of Twenty-five Thousand Dollars (\$25,000.00), for costs, pre-judgment interest per Missouri statute, for punitive (exemplary damages) damages against Defendant, and for any such other and further relief as this court deems appropriate under the circumstances.

Respectfully submitted,



By: _____

Patrick Hinrichs, #62953

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